

AN ACT

ENTITLED, An Act to modify certain provisions relating to the charging of employers for the payment of unemployment insurance benefits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 61-5-29 be amended to read as follows:

61-5-29. Each employer's experience-rating account shall be charged with all benefits chargeable, as provided in this title, except extended benefits paid as provided in §§ 61-6-29 to 61-6-45, inclusive, against wages paid for employment by the employer. However, no benefits paid on the basis of a period of employment may be charged to the experience-rating account of any employer, except as provided in § 61-5-29.2, if the claimant:

- (1) Voluntarily separated without good cause attributable to the employer or the employment;
- (2) Was discharged or suspended for misconduct connected with the employment, or for conduct mandated by religious belief which belief cannot be reasonably accommodated by the employer;
- (3) Was discharged or suspended for inability or incompetence to successfully complete a ninety-day probationary period established between the employer and employee at the time of employment;
- (4) Earned total base period wages of less than one hundred dollars with one employer;
- (5) Is receiving benefits while in approved training authorized by § 61-6-15.1;
- (6) Performed services while incarcerated in a custodial or penal institution and terminated such employment because of his transfer or release from the institution;
- (7) Received benefits for unemployment directly caused by a major natural disaster declared by the president pursuant to section 410(a) of the Robert T. Stafford Disaster Relief and Employment Assistance Act, 42 U.S.C. 5177, if the individual would have been eligible

for disaster unemployment assistance with respect to that unemployment but for their receipt of unemployment insurance benefits; or

- (8) Received benefits for unemployment resulting directly from the reinstatement of another employee upon that employee's completion of service in the uniformed services as provided in 38 U.S.C. 4303(13) as of January 1, 2005, or the completion of state active duty by members of the national guard who are activated pursuant to a call from the Governor as provided by law.

An Act to modify certain provisions relating to the charging of employers for the payment of unemployment insurance benefits.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 85

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 85  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State